

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1151

In Re: JERMAINE JERRELL SIMS,

Petitioner.

On Petition for Writ of Mandamus.
(5:13-hc-02175-D)

Submitted: April 1, 2014

Decided: April 11, 2014

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Jermaine Jerrell Sims, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jermaine Jerrell Sims petitions for a writ of mandamus seeking an order directing the district court to grant relief on his 28 U.S.C. § 2241 (2012) petition. We conclude that Sims is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007).

The relief sought by Sims is not available by way of mandamus. Accordingly, although we grant leave to proceed in forma pauperis, we deny the petition and amended petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DENIED